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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|-------------------|
| 10/615,746 | 07/09/2003 | James Lynn Haas | 62146A | 9889 |
| 109 | 7590 | 07/06/2005 | | |
| THE DOW CHEMICAL COMPANY INTELLECTUAL PROPERTY SECTION P. O. BOX 1967 MIDLAND, MI 48641-1967 | | | | EXAMINER |
| | | | | YAO, SAMCHUAN CUA |
| ART UNIT | | PAPER NUMBER | | |
| | | 1733 | | |

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------------------------|-------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/615,746 | HAAS, JAMES LYNN |
| | Examiner Sam Chuan C. Yao | Art Unit 1733 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 17-19 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I (claims 1-16) in the reply filed on 05-19-05 is acknowledged. The traversal is on the ground(s) that "*[a]n expanded fiber mat typically retains some degree of association amongst the fibers ...*". This argument is well taken. For this reason, an alternative reason is presented herein. In the instant case, the product as claimed can be made by another and materially different process such as separately feeding a low binder fiber mat and a fiber support mat to a foamable mixture application station, wherein the fiber mat is disposed over the support mat at the application station.

In light a new ground of reasoning is presented, this requirement is made NON-FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Longrigan et al (US 5,837,743) for reasons of record set forth in a prior office action dated 04-29-05 numbered paragraph 8.

Note: as clearly illustrated in figures 1-2, an expandable mat (46) and a facing sheet (31; taken to be a support web) are joined together to form a composite web **before** a foamable mixture (44) is deposited onto the expandable mat.

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gluck et al (US 4,572,865). See column 2 line 62 to column 3 line 2, column 3 line 18 to column 4 line 32, column 5 line 67 to column 6 line 43, column 9 lines 8-47, figures 2 and 5-6. Note: Gluck et al teaches using expandable reinforcing fiber mat suggested in U.S. Patent 4,028,158 issued to Hichen et al. See column 9 lines 14-19 and also see figure 6 showing a formation of the recited composite before a foamable mixture is deposited to an expandable fiber web.

Response to Arguments

5. Applicant's arguments filed on 05-19-05 have been fully considered but they are not persuasive.

On page 3 last paragraph to page 4 full paragraph 1, Counsel argues that, "*Each of Claims 1-16 requires use of a "composite web" that comprises a low binder fiber mat and a support mat*" (quotation in original), while Longrigan et al "*fails to disclose or even suggest the use of a composite web*". At the outset, it should be noted that, the claims as presently recited do not positively require providing a composite web comprising a low binder mat and a support mat from a supply station such as a supply roll. As noted above, as clearly illustrated in both figures 1-2 of the Londrigan et al, an expandable mat (46) and a facing sheet (31; taken to be a support web) are joined together to form a composite web **before** a

foamable mixture (44) is deposited onto the expandable mat. Similarly, see figure 6 of the Gluck et al patent. Therefore, the recited claims fail to define over the teachings of Longrigan et al or the Gluck et al. As for Counsel's arguments regarding the advantages of using a composite web, it is respectfully submitted that, Counsel's argument is not fully commensurate with the scope of the recited claims. The claims as presently recited read on joining a low binder fiber mat and support mat just prior to being delivered to a foamable mixture application station.

As for Counsel's argument on page 5 last paragraph to page 5 line 6, Examiner strongly disagrees with Counsel's assertion that the process of Gluck et al "*...conflicts with dispersing the fiber mat within the foam*". Just like the present invention and Longrigan et al, Gluck et al a foamable mixture is applied to a low binder mat and then the foamable mixture is expanded (see col. 9 lines 16-20, particularly Pat No. 4,028,158). It is respectfully submitted that, as a foamable mixture of the present invention expands, the foamable mixture must intrinsically push the low binder mat against a facing sheet and at the same time permeate into the low binder mat to thereby disperse the mat within the expanded foamable mixture.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

Scy
07-30-05